



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**
Cr1.R.C. (MD)No.600 of 2019

WEB COPY

S.Murshitha

: Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai Road,
Tiruchirapalli.

2.The Inspector of Police,
All Women Police Station,
Jeeyapuram,
Tiruchirapalli.

3.Mohammed Aboobakkar Sidiq

(R3 is impleaded vide Court order
dated 30.09.2019 made in
Cr1.M.P(MD)No.8506 of 2019)

: Respondents

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for records pertaining to the order dated 17.07.2019 made in Cr1.M.P.No.8512 of 2019 which was filed by the petitioner under Sections 156(3) of Cr.P.C on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirapalli and allow the same by directing the respondent police to register the complaint against the accused.

For Petitioner : Mr.Mr.C.Jeeganathan
for M/s Veera Associates

For Respondents : Mr.V.Neelakandan
Addl. Public Prosecutor
(for R1 and R2)
Mr.Niranjan S.Kumar (for R3)

O R D E R

This Criminal Revision Case is filed to set aside the order dated 17.07.2019 made in Cr1.M.P.No.8512 of 2019 which was filed by the petitioner under Sections 156(3) of Cr.P.C on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirapalli and allow the same by directing the respondent police to register the complaint against the accused.



2. When the matter is taken up for hearing today, both the learned counsel represented that the parties entered into compromise vide memo dated 29.09.2019. The terms of the compromise memo are extracted hereunder:-

"It is submitted that the petitioner filed the above Criminal Revision Petition against the order passed dated 17.07.2019 made in crl.M.P No. 8512 of 2019 which was filed by the Petitioner under sections 156 (3) of Cr.P.C on the file of the learned judicial Magistrate, Additional Mahila Court, Tiruchirappalli for a direction to the Respondent Police to register the complaint against the accused persons and for other reliefs.

2. It is further submitted that during the pendency of the above revision petition at the initiation of the elders of both the families, both the parties have amicably resolved their dispute by arriving at a compromise in the interest of maintaining peace and harmony in the locality and also in the interest of future of the parties, both parties have compromised themselves.

3. It is submitted that in the view of compromise arrived at between parties, the parties mutually agree to the following.

i) it is submitted that the husband Mr. Mohummed Abubucker Siddiq / 3rd respondent hereby agrees to pay a lump sum of Rs. 45,00,000/- towards full and final payment to his former wife Murshita / petitioner and his son Danish Ahamed as full quit including all claims of maintenance, permanent alimony towards all other claims of the present and future. The wife Murshita / Petitioner agrees to receive the sum for her and on behalf of her minor son as full quit.

ii) It is submitted that in pursuance to the said agreement stated supra the sum of Rs. 45,00,000/- would be paid by Demand Draft and the said sum is proportioned at Rs. 20,00,000/- towards Mrs. Murshita / Petitioner in lieu of her claim and sum of Rs. 25,00,000/- payable to Murshita on behalf of her Minor son and the said amount shall be paid by DD in the name of Mrs. Murshita.

iii) It is submitted that the said sum of Rs. 45,00,000/- would be paid in following arrangements agreed by both parties.

i) Rs. 5,00,000/- is paid on 29.09.2019 as Demand Draft drawn on Karur Vaisya Bank, Ganaolipuram Branch Madurai in favour of S. Murshita under DD Number 736742



dated 29.09.2019. S. Murshita had accepted towards part payment of the above total sum.

ii) Rs. 40,00,000/- would be paid by Mr. Mohammed Abubucker Siddiq within 60 days from the date of present memo in three instalments or in one lump sum.

iii) S. Murshita and her relatives accord full satisfaction voluntarily of this acceptance of the afore mentioned sum. On full payment of the agreed sum stated supra S. Murshita or her son will not claim any sum of any nature from Mr. Mohammed Abubucker Siddiq his family of his estate.

iv) It is submitted that in view of the above payment she and her son would not claim any sum towards maintenance or any claim of succession to the estate of Mr. Mohammed Abubucker Siddiq or his parents or grandparents or any relative through him.

v) It is submitted that S. Murshita hereby acknowledges that dissolution of her marriage with Mr. Mohammed Abubucker Siddiq solemnized on 01.01.2017 between them and also that the said dissolution is pronouncement of Talaq E hasan method approved by the Hon'ble supreme Court of India in Shayara Bano Vs Union of India 2017 9 SCC1. She also acknowledges that the said pronouncement is not instantaneous triple talaq which is forbidden by law but a valid pronouncement as per the personal law and the dictum of the Supreme Court.

vi) It is submitted that Mr. Mohammed Abubucker Siddiq hereby covenants that he would not claim either custody or guardianship of his son Danish Ahamed nor will claim any sum from him including any claims of succession to his estate. He also covenants that he would claim no rights against the said S. Murshita or her son in view of the marital relationship that existed between them before the dissolution. He would also not interfere in the peaceful future life of S. Murshita and her minor son. S. Murshita and her also undertake not to interfere in the peaceful future life of Mr. Mohammed Abubucker Siddiq from this day.

vii) It is submitted that in addition to the said sum of afore stated of Mohammed Abubucker Siddiq agrees to return 5 sovereigns of gold to S. Murshita

viii) It is submitted that S. Murshita and her relatives under take to withdraw all civil and criminal cases / proceedings initiated / pending against Mr. Mohammed Abubucker Siddiq and his relatives immediately after the receipt of the entire amount as stated above. Similarly Mr. Mohammed Abubucker Siddiq undertakes to withdraw all



proceedings against S. Murshita and her relatives Both parties hereby acknowledge that by the present compromise all cases stand closed. Both parties also undertakes not to initiate any further proceedings against each other or their relatives in connection with their marriage or dissolution and all rights, liabilities and claims that arise there from.

ix) It is submitted that S.Murshita also acknowledges that she had retained the 20 sovereign gold given as mahar by Mr. Mohummed Abubucker Siddiq in view of their marriage with herself Mr. Siddiq also states that he does not insist for return for the same as per Muslim customs and she is entitled to retain the same. She also acknowledges that other gold jewellery if any given during the marriage by her parents to her will not claim from either Mohummed Abubucker Siddiq or his relatives.

x) It is submitted that this compromise will come into effect immediately after receipt of entire amount as stated above, in case of default of payment, all the proceedings shall be restored and status of the parties to its original position.

Therefore, both the learned counsel requested this Court that this Criminal Revision Case may be closed on the above terms of compromise between the parties

3.In view of the compromise and settlement between the parties, the criminal revision case is closed as no further orders are necessary. The memo of compromise shall form part of the order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Encl.: Xerox Copy of Compromise Memo

To

1. The Judicial Magistrate,
Additional Mahila Court,
Tiruchirapalli.
2. The Superintendent of Police,
Pudukkottai Road,
Tiruchirapalli.
3. The Inspector of Police,
All Women Police Station,
Jeeyapuram, Tiruchirapalli.



+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-90836[F] dated
01/10/2019)

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MK (14.11.2019) 5P 5C

ORDER MADE IN
CrI.R.C. (MD) No. 600 of 2019

Dated:- 30.09.2019